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On 12/30/02

TOWNSEND and TOWNSEND and CREW LLP

By: Krusti Cope

**PATENT**  
Attorney Docket No.: 14740A-000620US  
Client Ref. No.: TSRI519.1Div/SCR2296P

**RECEIVED**

JAN 09 2003

TECH CENTER 1600

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

J. Gregor Sutcliffe et al.

Application No.: 09/766,396

Filed: January 18, 2001

For: CORTISTATIN: NEUROPEPTIDES,  
COMPOSITIONS AND METHODS

Examiner: Robert Clinton Hayes

Art Unit: 1647

**RESPONSE TO RESTRICTION  
REQUIREMENT**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Responsive to the Office action mailed October 1, 2002, for which a two month extension of time to reply is requested in the accompanying transmittal, Applicants hereby submit the following election without traverse.

**THE REQUIREMENT:**

Claims 3-19 are pending. The Action restricts the invention into eight groups as follows:

- I. Claims 1-2 & 20, drawn to mammalian cortistatin, and pharmaceutical compositions thereof, classified in class 530, subclass 399 - now cancelled.
- II. Claims 3-6, drawn to nucleic acids encoding cortistatin, vectors, and host cells, classified in class 435, subclass 325.
- III. Claims 7 & 15-16, drawn to oligonucleotide primers, classified in class 536, subclass 24.33.

01/07/2003 NMOHAMM1 00000014 201430 09766396

01 FC:1252 410.00 CH

Adjustment date: 01/08/2003 NMOHAMM1  
01/07/2003 NMOHAMM1 00000014 201430 09766396

01 FC:1252 410.00 CR

01/08/2003 NMOHAMM1 00000139 201430 09766396

01 FC:1252 400.00 CH

IV. Claims 8-9, drawn to antibodies of cortistatin, classified in Class 530, subclass 387.1.

V. Claims 10 & 13, drawn to methods of detecting cortistatin in a sample comprising use of antibodies, and kits thereof, classified in Class 435, subclass 7.1.

VI. Claims 11-12, drawn to methods of detecting cortistatin in a sample comprising detecting nucleic acids, and kits thereof, classified in Class 435, subclass 6.

VII. Claim 14, drawn to a method of detecting mutations in a cortistatin gene that comprises expansion of a CTG domain through nucleotide sequencing, classified in class 435, subclass 6.

VIII. Claims 17-19, methods of inducing sleep in a mammal comprising administering cortistatin, classified in Class 514, subclass 2.

Applicants elect to prosecute the invention of Group IV, Claims 8-9, drawn to antibodies of cortistatin, classified in Class 530, subclass 387.1. This election is made without traverse.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



William Schmonsees  
Reg. No. 31,796.

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
Tel: 650-326-2400  
Fax: 415-576-0300  
WS:klc

Please type a plus sign (+) inside this box → 

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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1647

<b>TRANSMITTAL FORM</b> <small>(to be used for all correspondence after initial filing)</small>		Application Number	09/766,396
		Filing Date	January 18, 2001
		First Named Inventor	Sutcliffe, J. Gregor
		Group Art Unit	1647
		Examiner Name	Robert Clinton Hayes
Total Number of Pages in This Submission	4	Attorney Docket Number	14740A-000620US

**ENCLOSURES (check all that apply)**

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Response to Restriction Requirement	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Return Postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s)	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

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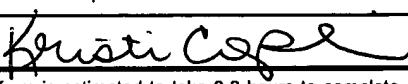
**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm and Individual name	Townsend and Townsend and Crew LLP William Schmonsees	
Signature		
Date	Reg. No. 31,796 December 30, 2002	

**CERTIFICATE OF MAILING**

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	December 30, 2002	

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<b>FEET TRANSMITTAL</b> <b>JAN 06 2003 for FY 2003</b> <small>Patent fees are subject to annual revision.</small>		<b>Complete If Known</b> <b>RECEIVED</b> <b>JAN 09 2003</b> <b>TECH CENTER 1600</b>																																																																																																																																					
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number 09/766,396 Filing Date January 18, 2001 First Named Inventor Sutcliffe, J. Gregor Examiner Name Robert Clinton Hayes Group Art Unit 1647 Attorney Docket No. 14740A-000620US																																																																																																																																					
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ADDITIONAL FEES</b> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Large Entity</th> <th>Small Entity</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>Fee Code (\$)</td><td>Fee Code (\$)</td><td>Fee Code (\$)</td><td>Fee (\$)</td></tr> <tr><td>1051 130</td><td>2051 65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>1052 50</td><td>2052 25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>1053 130</td><td>1053 130</td><td>Non-English specification</td><td></td></tr> <tr><td>1812 2,520</td><td>1812 2,520</td><td>For filing a request for reexamination</td><td></td></tr> <tr><td>1804 920*</td><td>1804 920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>1805 1,840*</td><td>1805 1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>1251 110</td><td>2251 55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>1252 400</td><td>2252 200</td><td>Extension for reply within second month</td><td>400</td></tr> <tr><td>1253 920</td><td>2253 460</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>1254 1,440</td><td>2254 720</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>1255 1,960</td><td>2255 980</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>1401 320</td><td>2401 160</td><td>Notice of Appeal</td><td></td></tr> <tr><td>1402 320</td><td>2402 160</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>1403 280</td><td>2403 140</td><td>Request for oral hearing</td><td></td></tr> <tr><td>1451 1,510</td><td>1451 1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>1452 110</td><td>2452 55</td><td>Petition to revive - unavoidable</td><td></td></tr> <tr><td>1453 1,280</td><td>2453 640</td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td>1501 1,280</td><td>2501 640</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>1502 460</td><td>2502 230</td><td>Design issue fee</td><td></td></tr> <tr><td>1503 620</td><td>2503 310</td><td>Plant issue fee</td><td></td></tr> <tr><td>1460 130</td><td>1460 130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>1807 50</td><td>1807 50</td><td>Petitions related to provisional applications</td><td></td></tr> <tr><td>1806 180</td><td>1806 180</td><td>Submission of Information Disclosure Stmt</td><td></td></tr> <tr><td>8021 40</td><td>8021 40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>1809 740</td><td>2809 370</td><td>Filing a submission after final rejection (37 CFR § 1.129(a))</td><td></td></tr> <tr><td>1810 740</td><td>2810 370</td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td><td></td></tr> <tr><td>1801 740</td><td>2801 370</td><td>Request for Continued Examination (RCE)</td><td></td></tr> <tr><td>1802 900</td><td>1802 900</td><td>Request for expedited examination of a design application</td><td></td></tr> <tr><td colspan="4" style="text-align: center;">Other fee (specify) _____</td></tr> <tr> <td colspan="2" style="text-align: center;">SUBTOTAL (1) (\$)</td> <td colspan="2" style="text-align: center;">*Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$400)</td> </tr> <tr> <td colspan="4" style="text-align: center;">**or number previously paid, if greater; For Reissues, see above</td> </tr> </tbody> </table>		Large Entity	Small Entity	Fee Description	Fee Paid	Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee (\$)	1051 130	2051 65	Surcharge - late filing fee or oath		1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet		1053 130	1053 130	Non-English specification		1812 2,520	1812 2,520	For filing a request for reexamination		1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action		1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action		1251 110	2251 55	Extension for reply within first month		1252 400	2252 200	Extension for reply within second month	400	1253 920	2253 460	Extension for reply within third month		1254 1,440	2254 720	Extension for reply within fourth month		1255 1,960	2255 980	Extension for reply within fifth month		1401 320	2401 160	Notice of Appeal		1402 320	2402 160	Filing a brief in support of an appeal		1403 280	2403 140	Request for oral hearing		1451 1,510	1451 1,510	Petition to institute a public use proceeding		1452 110	2452 55	Petition to revive - unavoidable		1453 1,280	2453 640	Petition to revive - unintentional		1501 1,280	2501 640	Utility issue fee (or reissue)		1502 460	2502 230	Design issue fee		1503 620	2503 310	Plant issue fee		1460 130	1460 130	Petitions to the Commissioner		1807 50	1807 50	Petitions related to provisional applications		1806 180	1806 180	Submission of Information Disclosure Stmt		8021 40	8021 40	Recording each patent assignment per property (times number of properties)		1809 740	2809 370	Filing a submission after final rejection (37 CFR § 1.129(a))		1810 740	2810 370	For each additional invention to be examined (37 CFR § 1.129(b))		1801 740	2801 370	Request for Continued Examination (RCE)		1802 900	1802 900	Request for expedited examination of a design application		Other fee (specify) _____				SUBTOTAL (1) (\$)		*Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$400)		**or number previously paid, if greater; 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<b>SUBMITTED BY</b>		<b>Complete (if applicable)</b>	
Name (Print/Type)	William Schmonsees	Registration No. (Attorney/Agent)	31,796.
Signature			Date December 30, 2002

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